

Staking Claims

Artisanal fishworkers of Brazil are mobilizing in defence of their territories through a campaign for a new bill of rights

In recent years, artisanal fishworkers and their communities in Brazil are being forced out of their traditional territories or are being subject to increasing pressure to leave their territories, multiplying the risks to their economic and cultural survival. The cause is a new wave of development, in the form of public and private investments and construction of large-scale infrastructure projects, which advance by occupying spaces whose populations and traditional uses are considered obstacles to 'progress' and the 'public interest'.

institution of collective rights for indigenous people and *quilombolas* (isolated communities constituted mainly of black slaves who have escaped from their masters during the slavery period (XVII – XIX)), and has provisions to guarantee the demarcation and possession of their territories. Moreover, the Constitution guarantees cultural rights and the protection of Brazilian cultural heritage in its tangible and intangible expressions, taking into account the identities of different social groups that have formed Brazilian society, including their various modes of creating and sustaining livelihoods, while also defining the obligation of the government to protect it. Further, there is a constitutional injunction that obligates that urban and rural properties be used to fulfill a social function, implying the possibility of expropriation and redistribution of land in the interests of equity and larger social compulsions.

On the other hand, the National System of Conservation Units (NSCU), created in 2000, includes two types of protected areas that provide for the permanence of traditional communities—'extractive reserves' and 'sustainable development reserves'. These categories originate from the struggle of traditional extractive populations in the Amazon region, but after the institutionalization of NSCU, they have become an important strategy in the pursuit of securing the territorial rights of communities all across the country.

Traditional rights

However, the creation of these reserves does not automatically establish rights for all traditional

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In the face of this, the National Movement of Artisanal Fishermen and Fisherwomen has taken the initiative to draw up a bill for the recognition of their collective right to stay and use their territories. In early June 2012, the Movement launched a national campaign to collect signatures to force the entry of the bill in Parliament.

The recognition of the territorial rights of traditional communities in Brazil is based on a diverse set of legal texts. The main ones are: the 1988 Constitution; the law which created the National System of Conservation Units (protected areas) (2000); and the Decree which established the National Policy for Sustainable Development of Traditional Peoples and Communities (2007).

The Brazilian Constitution of 1988 has introduced advances in the

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communities. They are determined on a case-by-case basis, in a process where environmental conservation criteria often render subordinate the recognition of collective rights to territory. Thus, these protected areas are limited in their ability to ensure the traditional peoples' rights to remain in their territories and enjoy their resources.

To close this gap, the National Policy for Sustainable Development of Traditional Peoples and Communities was formulated in 2007, which addresses the needs of those culturally diverse groups that recognize themselves as such, and have their own forms of social organization, who occupy and use lands and natural resources as a condition for their cultural, social, religious, ancestral and economic reproduction, and who use knowledge, innovations and practices generated and transmitted by tradition. This national policy aims to recognize, empower and guarantee the territorial, social, environmental, economic and cultural rights of these communities, as well as their access to the natural resources on which they depend for their sustenance. However, the government has not yet adopted the necessary laws and regulations for the effective implementation of the national policy.

Thus, despite this broad legal framework, artisanal fishing communities in Brazil have great difficulty in gaining legal recognition for their territories—mainly due to conflicts of interest that hinder the creation of extractive reserves and sustainable development reserves/protected areas, and by the effective implementation of the National Policy for Sustainable Development of Traditional Peoples and Communities.

It is in this context that the artisanal fishworkers took the initiative to draft a bill that recognizes the rights to the territories of traditional fishing communities and that delineates the procedures for their delimitation and granting of title deeds. For this project to be considered by the parliament, it is necessary to obtain the support of a significant number of voters, through a signature

campaign, which has already begun throughout the country.

The presentation of bills by popular initiative is a right established in the Brazilian Constitution. It is necessary to collect the signatures of one per cent of the electorate. Currently, this represents 1,385,000 signatures. Once backed by the number of required signatures, the bill will be forwarded to the Chamber of Deputies, where it will be filed and subject to the same process as other legislation projects. Often, however, controversial projects take years before they come up for final voting, after which they must still pass through the senate and gain presidential approval.

The bill prepared by the Brazilian fishworkers provides "...the recognition of the right to the territory of traditional fishing communities, which is considered material and immaterial cultural patrimony, subject of safeguarding and promotion..." as well as establishes "the procedure for its identification, delimitation, demarcation and titling", ensuring traditional fishing communities "exclusive access to the natural resources" on which they depend.

The bill defines 'traditional fishing territories' as "areas of land and water used by the traditional fishing communities for their housing, productive activities, and for the conservation, shelter and reproduction of the species and other resources necessary for ensuring their livelihoods, as well as physical, social, economic and cultural reproduction, including



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Fishworkers, representatives of social movements and officials of public bodies at the launch of the signature campaign for a new bill

spaces which are symbolic, religious, cosmological or historical sites".

In addition, the bill establishes the duty of government to formulate a national policy for sustainable development of traditional fishing communities and incorporate it into plans, programmes, projects and actions, with targets, resources and responsibilities assigned to the agencies involved in implementation. It is proposed that this policy should address the following areas: income generation with environmental sustainability; quality of life; gender, racial and generational equity; strengthening and empowering of communities, and their participation and social control.

Among the explicit objectives of the bill, the following ought to be highlighted: to ensure the full exercise of individual and collective rights pertaining to traditional communities, especially in situations of conflict or threat to their integrity; ensure the full protection of mangroves, *apicuns* (sandy

sediment bordering areas of the mangrove ecosystem), riparian forests and coastal lagoons; ensure free access to communities; and promote fisheries management in watershed and coastal regions, with the wider participation of fishworkers, keeping in mind their traditional knowledge.

Thus, the bill defines its main goal as the sustainable development of traditional fishing communities through the recognition of territorial rights as being fundamental.

The launch of the campaign to collect signatures to support the bill drafted by the fishworkers occurred between 4 and 6 June 2012 in Brasilia, in the Exhibition Hall of the City Park, with the participation of 2,000 fishermen and fisherwomen, who arrived from different regions of the country and camped there.

Public ceremony

The official launch was held on the morning of 5 June, at a public ceremony presided over by a board composed of

fishworkers, representatives of other social movements and supporting organizations, as well as officials of public bodies, including the Minister of Fisheries and Aquaculture.

That same day, in the afternoon, a public hearing was held that was attended by representatives of the Federal Public Ministry, the Ministry of Environment and the Heritage Department of the Union. The public hearing exposed how fishing communities are being expelled from, or pressured to leave, their territories.

The climax of the event was the March in Defense of Artisanal Fisheries in Brazil, which occurred on 6 June, between the City Park and the National Congress.

As a culmination of the march, 50 people representing fishermen and fisherwomen met parliamentarians and delivered the bill, announcing that they would return with the signatures required for the project, which could then be received, discussed and eventually approved by the parliament.

Although the signature collection allows the bill to be presented in the parliament, no deadline has been fixed for its discussion, nor is there any guarantee of approval.

However, the fact that the bill is promoted by social movements and supported by a significant part of the electorate ought to work in favour of its effective discussion and eventual approval, which would then make it a fundamental law in defence of fishing communities.

The importance of the signature campaign, however, transcends the legal sphere; its true significance became apparent from the very first day, when fishworkers rallied around the bill and mobilized resources to make known nationwide their situation and their legitimate claims, and garner support from the general public.


The mobilization around the bill seems capable of accumulating the forces needed for success, for various reasons. For one, this is a national campaign that unifies struggles, which are usually fragmented and dispersed among various local fishing communities.

For another, it also overcomes the limitations of the usual, short-term, more reactive actions, by outlining a long-term programme for the next three years, which can be supported by other organizations and sectors.

Finally, the campaign constitutes the most significant mobilization effort promoted by fishworkers in Brazil in the past 20 years, and it expresses the political maturity of the National Movement of Fishermen and Fisherwomen, which is an autonomous organization that maintains a critical

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distance from government and its policies.

Regardless of the final outcome in terms of approval of the bill, the ongoing campaign of the artisanal fishworkers of Brazil is very important because it reinforces the ability of fishermen and fisherwomen to fight and struggle, gives them greater visibility as economic and political agents, and offers a replicable example for other traditional communities and fishermen whose territories are also threatened. 

For more

www.peloterritopisqueiro.blogspot.com

Campanha Nacional Pela Regularizacao de Territorio das Comunidades Tradicionais Pesqueiras

www.icsf.net/en/samudra-news-alert/article/detail/48533-National-campai.html?language=EN

National campaign to secure traditional fishing territories launched in Brazil